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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/556,666	11/10/2005	Son-Ha Giang	Serie 6288	8573
40582	7590	09/14/2010	EXAMINER	
American Air Liquide, Inc. Intellectual Property Dept. 2700 Post Oak Boulevard Suite 1800 Houston, TX 77056				SAVANI, AVINASH A
ART UNIT		PAPER NUMBER		
3749				
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			09/14/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

***Response to Arguments***

1. Applicant's arguments filed 8/16/2010 have been fully considered but they are not persuasive. The reasons for the applicant's remarks not being persuasive are given below.
2. The applicant respectfully submits that Ibaraki does not make up for the deficiencies of Kobayashi, specifically in that it is not clear as to how Ibaraki teaches the flow rate control device. As previously stated, Kobayashi discloses the flow rate measurement device as evidenced by an oxidant stream being measured, further clarifying that there is a controlled amount of available heat supplied with the addition of oxidant enriched stream (16). Thus, the modification is applied to this measurement method, in that Ibaraki has a flow control device that controls the amount of flow of the combustion constituents seen in that cooling air (additional gas flow) can be controlled to specific liter/min and that this is slaved to the flow rate measurement device because there is a specific amount of cooling air supplied depending on the other flow rate values [see col 4, line 60-col 5, line 6]. Also, since a cooling air supply is added, Dmin is satisfied because no structural damage is assessed during combustion of the exhaust gases in that oxygen and fuel can be supplied during the combustion of the exhaust gas wherein a supply of cooling air (additional gas flow) can be added as well, implying that the sum of the three gases is greater than a minimum rate for cooling. To summarize, the sum of the flow rates, i.e. fuel, oxygen and additional gas is above Dmin because no structural damage occurs because of the introduction of cooling air while exhaust gas is being combusted in the presence of oxygen and fuel. Thus it is believed that Kobayashi

in view of Ibaraki teach the claim limitations. Therefore, the applicant's remarks are not persuasive, and the previous ground of rejection will be maintained. It is further noted that when the means of controlling the additional gas flow rate is a pressure regulator, all that is required is to regulate it so as to deliver the additional gas until the pressure generated by this additional gas and the oxygen that is delivered is greater than the pressure needed to obtain the minimum oxidizer flow rate  $D_{min}$ . This is at least not seen in the prior art with regard to claim 28.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AVINASH SAVANI whose telephone number is (571)270-3762. The examiner can normally be reached on Monday- Friday, alternate Fridays off, 7:30-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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